



February 20, 2009

SENATE BILL No. 482

DIGEST OF SB 482 (Updated February 18, 2009 5:40 pm - DI 87)

Citations Affected: IC 36-3; IC 36-6; IC 36-8; noncode.

Synopsis: Marion County township fire department consolidation. Provides that unless a township in a county containing the consolidated city opts out of consolidation with the consolidated fire department before September 1, 2009, the fire department of: (1) the township; and (2) a fire protection territory in the county containing a consolidated city (if applicable); are consolidated into the fire department of the consolidated city on January 1, 2010. Provides that a transfer of duties between units of government results in the transfer of property, equipment, records, rights, contracts (including labor contracts), and indebtedness. Provides that a firefighter who is a member of the 1937 or 1977 fund remains a member of the same fund after the consolidation. Requires the consolidated fire department to develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. Requires the mayor of the consolidated city to establish a professional standards board with responsibility after December 31, 2009, for establishing, validating, and maintaining emergency responder certification and credentialing requirements and procedures. Provides that the requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards. Specifies that a subcommittee of the professional standards board, under the direction of a board certified emergency physician, is responsible for certification and credentialing of emergency medical responders. Requires the mayor of the consolidated city to establish a fire transition
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Effective: July 1, 2009.

Merritt, Lubbers

January 15, 2009, read first time and referred to Committee on Local Government.
February 19, 2009, amended, reported favorably — Do Pass.

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authority board, consisting of township board presidents and township trustees of townships that have not consolidated into the consolidated fire department before September 1, 2009. Provides that the transition authority board provides guidance to the director of the department of public safety of the consolidated city regarding the integration of township fire services into the consolidated fire department. Requires the director of the department of public safety to: (1) establish a timeline for townships to integrate into the department; and (2) manage the transition of township board and township trustee responsibilities regarding fire protection and related services to the county. Provides that after the consolidation of a township fire department into the consolidated fire department on January 1, 2010, the assets, equipment, and employees of the township fire department that are transferred to the consolidated city may be used to provide fire protection services only in the township until the fire transition authority board for the township determines that the township fire services have been completely integrated into the consolidated fire department. Provides that before September 1, 2009, the township board of a township may opt out of consolidation into the consolidated fire department if at least five of the seven members of the township board vote in favor of opting out of consolidation. Provides that if a township opts out of consolidation, after August 31, 2009: (1) the annual budget of the township is subject to review and approval by the city-county legislative body; and (2) the township fire department is subject to the review of the professional standards board. Provides that if the professional standards board determines by a majority vote that the township does not meet the National Fire Protection Association consensus standards, the county legislative body shall vote on an ordinance to override the township's decision to opt out of the consolidation into the consolidated fire department. Provides that if the ordinance is approved by a 2/3 affirmative vote of the county legislative body and approved by the mayor, the fire department shall be consolidated into the consolidated fire department. Provides that a township board may by a majority vote, and with the subsequent approval of the county legislative body, override its decision to opt out of the consolidation with the consolidated fire department. Provides that the township board's vote to approve consolidation with the consolidated department may not be rescinded. Exempts from the property tax levy limits any amounts imposed by the consolidated city or the county to fund former township indebtedness. Specifies that the balance in the cumulative building and equipment fund for fire protection and related services of each entity whose fire department is consolidated into the fire department of the consolidated city be transferred to the consolidated city's cumulative building and equipment fund for fire protection and related services. Requires legislative services agency to prepare legislation for the 2010 regular session to organize and correct statutes affected by the bill, if necessary.

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February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 482

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
2 SECTION 560, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 6.1. (a) ~~This section applies only in~~
4 ~~a county containing a consolidated city. If the requirements of~~
5 ~~subsection (g) are satisfied, The fire departments of the following are~~
6 ~~consolidated into the fire department of a consolidated city (referred to~~
7 ~~as "the consolidated fire department") On January 1, 2010:~~
8 (1) **The following fire departments are consolidated into the**
9 **fire department of the consolidated city (referred to as "the**
10 **consolidated fire department"):**
11 (†) (A) **The fire department of a township for which the**
12 **consolidation is approved by the township legislative body and**
13 **trustee and the legislative body and mayor of the located in**
14 **the county containing the consolidated city, regardless of**
15 **whether the fire department is operated by the township or**

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by another political subdivision.

(2) (B) The fire department of any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).

(2) The functions, duties, and responsibilities of the township trustee and township board with respect to providing fire protection and related services are transferred to the consolidated city.

(b) If the requirements of subsection (g) are satisfied, After December 31, 2009, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: the county (excluding any excluded city).

(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, All of the property, equipment, records, rights, and contracts of the each department consolidated into the fire department of the consolidated city are:

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located. Any funds transferred under this subsection to the consolidated city that represent balances in a cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be deposited into the consolidated city's cumulative building and equipment fund for fire protection and related services and shall be used by the consolidated city for funding land, buildings, and equipment for fire protection and emergency medical services as provided under IC 36-8-14.

(d) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, The employees of the a fire department listed in subsection (a) that is consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the

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consolidation. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the~~ Indebtedness related to fire protection services incurred before the effective date of the consolidation ~~by the an entity whose fire department is consolidated into the consolidated fire department under subsection (a), or a building, holding, or leasing corporation on behalf of the entity, whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed, defeased, paid, or refunded by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.~~

(f) Notwithstanding any other law, to assume, defease, pay, or refund all or part of an indebtedness described in subsection (e), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(g) Notwithstanding subsections (e) and (f), the consolidated city may not assume all or a part of an indebtedness described in subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(h) The rights of trustees and bondholders with respect to any:

- (1) bonds or other indebtedness described in subsection (e); or**
- (2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e);**

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(f) (i) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the

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1 fire department of a consolidated city; The merit board and the merit
 2 system of ~~the each~~ fire department that is consolidated **into the fire**
 3 **department of the consolidated city** are dissolved on the effective
 4 date of the consolidation, and the duties of the merit board are
 5 transferred to and assumed by the merit board for the consolidated fire
 6 department on the effective date of the consolidation.

7 (g) A township legislative body, after approval by the township
 8 trustee, may adopt a resolution approving the consolidation of the
 9 township's fire department with the fire department of the consolidated
 10 city. A township legislative body may adopt a resolution under this
 11 subsection only after the township legislative body has held a public
 12 hearing concerning the proposed consolidation. The township
 13 legislative body shall hold the hearing not earlier than thirty (30) days
 14 after the date the resolution is introduced. The hearing shall be
 15 conducted in accordance with IC 5-14-1.5 and notice of the hearing
 16 shall be published in accordance with IC 5-3-1. If the township
 17 legislative body has adopted a resolution under this subsection, the
 18 township legislative body shall, after approval from the township
 19 trustee, forward the resolution to the legislative body of the
 20 consolidated city. If such a resolution is forwarded to the legislative
 21 body of the consolidated city and the legislative body of the
 22 consolidated city adopts an ordinance, approved by the mayor of the
 23 consolidated city, approving the consolidation of the fire department of
 24 the township into the fire department of the consolidated city, the
 25 requirements of this subsection are satisfied. The consolidation shall
 26 take effect on the date agreed to by the township legislative body in its
 27 resolution and by the legislative body of the consolidated city in its
 28 ordinance approving the consolidation.

29 (h) (j) The following apply if the requirements of subsection (g) are
 30 satisfied: **after a fire department listed in subsection (a) is**
 31 **consolidated into the fire department of the consolidated city:**

32 (1) The consolidation of the fire department of that township is
 33 effective on the date agreed to by the township legislative body in
 34 the resolution and by the legislative body of the consolidated city
 35 in its ordinance approving the consolidation.

36 (2) (1) Notwithstanding any other provision, a firefighter:

37 (A) who is a member of the 1977 fund before the effective
 38 date of a consolidation under this section; and

39 (B) who, after the consolidation, becomes an employee of the
 40 fire department of a consolidated city under this section;

41 remains a member of the 1977 fund without being required to
 42 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The

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1 firefighter shall receive credit for any service as a member of the
 2 1977 fund before the consolidation to determine the firefighter's
 3 eligibility for benefits under IC 36-8-8.

4 ~~(3)~~ (2) Notwithstanding any other provision, a firefighter:

5 (A) who is a member of the 1937 fund before the effective
 6 date of a consolidation under this section; and

7 (B) who, after the consolidation, becomes an employee of the
 8 fire department of a consolidated city under this section;
 9 remains a member of the 1937 fund. The firefighter shall receive
 10 credit for any service as a member of the 1937 fund before the
 11 consolidation to determine the firefighter's eligibility for benefits
 12 under IC 36-8-7.

13 ~~(4)~~ (3) For property taxes first due and payable in the **first**
 14 **calendar** year in which **property taxes are first due and**
 15 **payable based on** the consolidation, ~~is effective~~; the maximum
 16 permissible ad valorem property tax levy under IC 6-1.1-18.5:

17 (A) is increased for the consolidated city; by an amount equal
 18 to the maximum permissible ad valorem property tax levy in
 19 the year preceding the year in which the consolidation is
 20 effective for fire protection and related services by the
 21 township whose fire department is consolidated into the fire
 22 department of the consolidated city under this section; and

23 (B) is reduced for the township **entity** whose fire department
 24 is consolidated into the fire department of the consolidated city
 25 under this section; by the amount equal to the maximum
 26 permissible ad valorem property tax levy in the year preceding
 27 the year in which the consolidation is effective for fire
 28 protection and related services for the township.

29 ~~(5)~~ (4) The amount levied in the year preceding the year in which
 30 the consolidation is effective by the township whose fire
 31 department is consolidated into the fire department of the
 32 consolidated city for **balance in** the township's cumulative
 33 building and equipment fund for fire protection and related
 34 **services of a township whose fire department is consolidated**
 35 **into the fire department of the consolidated city** is transferred
 36 on the effective date of the consolidation to the consolidated city's
 37 cumulative building and equipment fund for fire protection and
 38 related services; which is hereby established. The consolidated
 39 city is exempted from the requirements of ~~IC 36-8-14 and~~
 40 ~~IC 6-1.1-41~~ regarding establishment of the cumulative building
 41 and equipment fund for fire protection and related services: as
 42 provided in subsection (c).

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~~(6)~~ (5) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township **an entity whose fire department is consolidated into the fire department of the consolidated city** are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ (6) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit area served by the consolidated fire department to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within **or that directly benefit** the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that

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have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

(k) For a township that consolidated its fire department into the fire department of the consolidated city before July 1, 2009, this section and IC 6-3.5-6-18.5 apply to the consolidation to the extent this section and IC 6-3.5-6-18.5 do not conflict with:

(1) the consolidation ordinances adopted by the consolidated city and the township; or

(2) any consolidation agreement between the consolidated city and the township.

(l) Before January 1, 2010, the consolidated fire department shall develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. The consolidated fire department shall determine the resource requirements and resource deployments based on the risk assessment models promulgated by the Center for Public Safety Excellence, Inc., or a successor entity. The consolidated fire department must:

(1) update the strategic plan at least once every three (3) years; and

(2) annually report to the legislative body of the consolidated city concerning the implementation of the strategic plan.

SECTION 2. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is ~~established~~ **consolidated** under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency

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1 ambulance services **by contract or** under an interlocal agreement
2 under IC 36-1-7.

3 SECTION 3. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2009]: **Sec. 6.4. (a) On July 1, 2009, the executive of the**
6 **consolidated city shall establish a fire transition authority board,**
7 **which must consist of:**

8 (1) the township board president or the president's designee;
9 and

10 (2) the township trustee or the trustee's designee;
11 of those remaining township fire departments that have not
12 consolidated into the consolidated fire department before
13 September 1, 2009.

14 (b) The fire transition authority board shall exist to provide
15 guidance to the director of the department of public safety
16 regarding the integration of township fire services into the
17 consolidated fire department.

18 (c) On July 1, 2009, the director of the department of public
19 safety shall:

20 (1) establish a timeline for each township to be fully
21 integrated into the consolidated fire department; and

22 (2) manage the transition of the functions, duties, and
23 responsibilities of the township trustee and township board
24 with respect to providing fire protection and related services
25 that are transferred to the county on January 1, 2010.

26 (d) The fire transition authority board shall remain fully
27 constituted and in effect until the earlier of:

28 (1) the complete integration of the township fire services that
29 are consolidated under this chapter;

30 (2) a vote of the majority of the fire transition authority board
31 to dissolve; or

32 (3) the date the fire transition authority board is dissolved by
33 ordinance of the county legislative body.

34 (e) The fire transition authority board's oversight of a
35 township's fire service shall continue until the director of public
36 safety notifies the board that the township's fire department is fully
37 integrated into the consolidated fire department.

38 (f) The balance at the time a township's fire department is
39 integrated into the consolidated fire department on January 1,
40 2010, in a debt service fund of a township that relates to the debt
41 incurred for firefighting purposes:

42 (1) is transferred to the consolidated city; and

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(2) shall be used by the consolidated city to pay indebtedness or lease rentals for which the fund was established.

(g) Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the general fund of the consolidated city.

(h) The balance on January 1, 2010, in a township's firefighting fund:

(1) is transferred to the consolidated city; and

(2) shall be deposited in the general fund of the consolidated city.

(i) After the consolidation of a township fire department into the consolidated fire department on January 1, 2010, the assets, equipment, and employees of the township fire department that are transferred to the consolidated city may be used to provide fire protection services only in the township until the fire transition authority board for the township determines that the township fire services have been completely integrated into the consolidated fire department.

SECTION 4. IC 36-3-1-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.5. (a) The executive of the consolidated city shall establish a professional standards board with responsibility after December 31, 2009, for establishing, validating, and maintaining emergency responder certification and credentialing requirements and procedures. The emergency responder certification and credentialing requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards.

(b) The professional standards board shall before January 1, 2010, establish the following for each emergency responder position within the consolidated fire department:

(1) Minimum initial certification and credentialing requirements.

(2) Experience and competency requirements.

(3) Continuing education requirements.

(4) Performance criteria.

(5) Recertification requirements.

(c) After December 31, 2009, a subcommittee of the professional standards board, under the direction of a board certified emergency physician, is responsible for certification and credentialing of emergency medical responders.

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SECTION 5. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6. Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1 in the name of:**

- (1) a township;
- (2) a fire protection territory; or
- (3) a building, holding, or leasing corporation on behalf of a township or a fire protection territory;

to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and IC 36-3-1-6.1(g).

SECTION 6. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 1.2. Township Fire Consolidation Option

Sec. 1. (a) Notwithstanding IC 36-3-1-6.1, a township board may opt out of consolidation into the consolidated fire department if at least five (5) of the seven (7) members of the township board vote in favor of opting out of consolidation.

(b) Written notice that the vote will take place shall be filed with the clerk of the city-county legislative body not later than ten (10) days before the vote is to occur. The clerk shall provide a copy of the notice to the corporation counsel of the consolidated city.

(c) The vote by the township board to opt out of consolidation into the consolidated fire department must:

- (1) be held in accordance with the open door law (IC 5-14-1.5); and
- (2) occur before September 1, 2009.

Sec. 2. (a) This section applies to townships whose township boards opt out of consolidation under section 1 of this chapter and are not consolidated into the fire department.

(b) After August 31, 2009, the annual budget of the township is subject to the review and approval of the city-county legislative body.

(c) After August 31, 2009, the township fire department is subject to the review of the professional standards board established by IC 36-3-1-6.5, and the township fire chief shall provide any data requested by the professional standards board.

Sec. 3. (a) This section applies to a township whose township board opts out of consolidation under section 1 of this chapter and is not consolidated into the consolidated fire department.

(b) The professional standards board established by

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1 IC 36-3-1-6.5 shall regularly review the performance of each
 2 township fire department to ensure that its performance meets the
 3 standards set forth in the National Fire Protection Association
 4 consensus standards, which:

5 (1) address the reporting and accountability of substantially
 6 career fire departments;

7 (2) specify performance measures for safety, health training,
 8 personnel qualifications/competencies, incident management,
 9 emergency apparatus, personal protective equipment; and

10 (3) define objectives applicable to response times for services.

11 (c) If the professional standards board determines, by a
 12 majority vote, that a township does not meet the standards set
 13 forth in the National Fire Protection Association consensus
 14 standards, the board shall notify the clerk of the city-county
 15 legislative body. Upon receiving the notice, the clerk shall prepare
 16 an ordinance proposal for the city-county legislative body. The
 17 ordinance proposal shall make a determination to override the
 18 township's decision to opt out of consolidation into the consolidated
 19 fire department on the basis that the township fire department
 20 does not meet the required public safety standards.

21 (d) If the ordinance described in subsection (c) is approved by
 22 a two-thirds (2/3) affirmative vote of the city-county legislative
 23 body, the ordinance shall be submitted to the mayor for approval.
 24 Upon approval by the mayor of the consolidated city, the township
 25 fire department shall be consolidated into the consolidated fire
 26 department on the date specified in the ordinance. The mayor of
 27 the consolidated city shall, by executive order, set forth a process
 28 to integrate the township fire department into the consolidated fire
 29 department.

30 Sec. 4. (a) This section applies to a township whose township
 31 board opted out of consolidation under section 1 of this chapter
 32 and is not consolidated into the consolidated fire department.

33 (b) A township board may, by a majority vote and with the
 34 subsequent approval of the city-county legislative body and the
 35 mayor, override its decision to opt out of consolidation under
 36 section 1 of this chapter. A vote by the township board under this
 37 section may not be rescinded.

38 SECTION 7. IC 36-6-4-3, AS AMENDED BY P.L.2-2008,
 39 SECTION 82, AND AS AMENDED BY P.L.146-2008, SECTION
 40 709, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2009]: Sec. 3. The executive shall do the
 42 following:

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- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- ~~(9) Act as township assessor when required by IC 36-6-5.~~
- ~~(10) (9) Provide and maintain cemeteries under IC 23-14.~~
- ~~(11) (10) Provide fire protection under IC 36-8, except in a township: that:~~
 - (A) ~~that~~ is located in a county having a consolidated city; and
 - (B) ~~whose fire department is consolidated the township's fire department~~ under IC 36-3-1-6.1.
- ~~(12) (11) File an annual personnel report under IC 5-11-13.~~
- ~~(13) (12) Provide and maintain township parks and community centers under IC 36-10.~~
- ~~(14) (13) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4, IC 15-16-8.~~
- ~~(15) (14) Provide insulin to the poor under IC 12-20-16.~~
- ~~(16) (15) Perform other duties prescribed by statute.~~

SECTION 8. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) **Except in a township that is located in a county having a consolidated city and whose fire department has been consolidated under IC 36-3-1-6.1,** the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) **Except in a township that is located in a county having a consolidated city and whose fire department has been consolidated**

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under IC 36-3-1-6.1, the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 9. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1:

(A) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(B) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

~~(4)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(5)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d),** if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under

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1 **IC 36-8-7-3.**

2 SECTION 10. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
3 SECTION 575, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Except as provided in
5 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

6 (1) a police officer; or

7 (2) a firefighter;

8 who is less than thirty-six (36) years of age and who passes the baseline
9 statewide physical and mental examinations required under section 19
10 of this chapter shall be a member of the 1977 fund and is not a member
11 of the 1925 fund, the 1937 fund, or the 1953 fund.

12 (b) A police officer or firefighter with service before May 1, 1977,
13 who is hired or rehired after April 30, 1977, may receive credit under
14 this chapter for service as a police officer or firefighter prior to entry
15 into the 1977 fund if the employer who rehires the police officer or
16 firefighter chooses to contribute to the 1977 fund the amount necessary
17 to amortize the police officer's or firefighter's prior service liability over
18 a period of not more than forty (40) years, the amount and the period
19 to be determined by the PERF board. If the employer chooses to make
20 the contributions, the police officer or firefighter is entitled to receive
21 credit for the police officer's or firefighter's prior years of service
22 without making contributions to the 1977 fund for that prior service. In
23 no event may a police officer or firefighter receive credit for prior years
24 of service if the police officer or firefighter is receiving a benefit or is
25 entitled to receive a benefit in the future from any other public pension
26 plan with respect to the prior years of service.

27 (c) Except as provided in section 18 of this chapter, a police officer
28 or firefighter is entitled to credit for all years of service after April 30,
29 1977, with the police or fire department of an employer covered by this
30 chapter.

31 (d) A police officer or firefighter with twenty (20) years of service
32 does not become a member of the 1977 fund and is not covered by this
33 chapter, if the police officer or firefighter:

34 (1) was hired before May 1, 1977;

35 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
36 of which were repealed September 1, 1981); and

37 (3) is rehired after April 30, 1977, by the same employer.

38 (e) A police officer or firefighter does not become a member of the
39 1977 fund and is not covered by this chapter if the police officer or
40 firefighter:

41 (1) was hired before May 1, 1977;

42 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both

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of which were repealed September 1, 1981);
 (3) was rehired after April 30, 1977, but before February 1, 1979;
 and
 (4) was made, before February 1, 1979, a member of a 1925,
 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the
 1977 fund and is not covered by this chapter if the police officer or
 firefighter:

- (1) was hired by the police or fire department of a unit before May
 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after
 December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December
 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
 unit.

If the police officer or firefighter is made a member of a 1925, 1937, or
 1953 fund, the police officer or firefighter is entitled to receive credit
 for all the police officer's or firefighter's years of service, including
 years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and
 "emergency medical technician" have the meanings set forth in
 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
- (2) was employed as an emergency medical technician by a
 political subdivision wholly or partially within the department's
 jurisdiction;
- (3) was a member of the public employees' retirement fund during
 the employment described in subdivision (2); and
- (4) ceased employment with the political subdivision and was
 hired by the unit's fire department due to the reorganization of
 emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the
 1977 fund under this subsection is subject to sections 18 and 21 of this
 chapter.

(h) A police officer or firefighter does not become a member of the
 1977 fund and is not covered by this chapter if the individual was
 appointed as:

- (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- (2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the

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individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the **consolidated** law enforcement department or fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1**; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

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1 (m) A police officer or firefighter who is a member of the 1977 fund
 2 under subsection (k) or (l):

3 (1) may not be:

4 ~~(1)~~ (A) retired for purposes of section 10 of this chapter; or

5 ~~(2)~~ (B) disabled for purposes of section 12 of this chapter;
 6 solely because of a change in employer under the consolidation;

7 and

8 (2) shall receive credit for all years of service as a member of
 9 the 1977 fund before the consolidation described in subsection
 10 (k) or (l).

11 SECTION 11. [EFFECTIVE JULY 1, 2009] (a) The legislative
 12 services agency shall prepare, as directed by the legislative council,
 13 legislation for introduction in the 2010 regular session of the
 14 general assembly to organize and correct statutes affected by this
 15 act, if necessary.

16 (b) This SECTION expires July 1, 2010.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 482, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.1. (a) ~~This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied; The fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department")~~ **On January 1, 2010:**

(1) The following fire departments are consolidated into the fire department of the consolidated city (referred to as "the consolidated fire department"):

~~(1)~~ **(A) The fire department of a township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in the county containing the consolidated city, regardless of whether the fire department is operated by the township or by another political subdivision.**

~~(2)~~ **(B) The fire department of any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).**

(2) The functions, duties, and responsibilities of the township trustee and township board with respect to providing fire protection and related services are transferred to the consolidated city.

~~(b) If the requirements of subsection (g) are satisfied; After December 31, 2009, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: the county (excluding any excluded city).~~

~~(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city; All of the property, equipment, records, rights, and contracts of the each department consolidated into the fire department of the consolidated city are:~~

~~(1) transferred to; or~~

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(2) assumed by;
 the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located. **Any funds transferred under this subsection to the consolidated city that represent balances in a cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be deposited into the consolidated city's cumulative building and equipment fund for fire protection and related services and shall be used by the consolidated city for funding land, buildings, and equipment for fire protection and emergency medical services as provided under IC 36-8-14.**

(d) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, The employees of ~~the a~~ fire department **listed in subsection (a) that is** consolidated into the fire department of the consolidated city cease employment with the department ~~of the entity~~ listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the Indebtedness related to fire protection services incurred before the effective date of the consolidation by ~~the an~~ entity **whose fire department is consolidated into the consolidated fire department under subsection (a),** or a building, holding, or leasing corporation on behalf of the entity, ~~whose fire department is consolidated into the consolidated fire department under subsection (a)~~ shall remain the debt of the entity and does not become and may not be assumed, **defeased, paid, or refunded** by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

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(f) Notwithstanding any other law, to assume, defease, pay, or refund all or part of an indebtedness described in subsection (e), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(g) Notwithstanding subsections (e) and (f), the consolidated city may not assume all or a part of an indebtedness described in subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(h) The rights of trustees and bondholders with respect to any:

- (1) bonds or other indebtedness described in subsection (e); or
- (2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e);

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(f) (i) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, The merit board and the merit system of the **each** fire department that is consolidated **into the fire department of the consolidated city** are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the

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consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city; the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

~~(h)~~ **(j)** The following apply if the requirements of subsection (g) are satisfied: **after a fire department listed in subsection (a) is consolidated into the fire department of the consolidated city:**

~~(1)~~ The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

~~(2)~~ **(1)** Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

~~(3)~~ **(2)** Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

~~(4)~~ **(3)** For property taxes first due and payable in the **first calendar year in which property taxes are first due and payable based on** the consolidation, ~~is effective~~, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city; by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire

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department of the consolidated city under this section; and
 (B) is reduced for the township **entity** whose fire department is consolidated into the fire department of the consolidated city under this section; by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

~~(5)~~ **(4)** The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for **balance in the township's cumulative building and equipment fund for fire protection and related services of a township whose fire department is consolidated into the fire department of the consolidated city** is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services: **as provided in subsection (c).**

~~(6)~~ **(5)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of ~~the township~~ **an entity whose fire department is consolidated into the fire department of the consolidated city** are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ **(6)** The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax **levy limit area served by the consolidated fire department** to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at

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the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within **or that directly benefit** the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section:

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

(k) For a township that consolidated its fire department into the fire department of the consolidated city before July 1, 2009, this section and IC 6-3.5-6-18.5 apply to the consolidation to the extent this section and IC 6-3.5-6-18.5 do not conflict with:

(1) the consolidation ordinances adopted by the consolidated city and the township; or

(2) any consolidation agreement between the consolidated city and the township.

(l) Before January 1, 2010, the consolidated fire department

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shall develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. The consolidated fire department shall determine the resource requirements and resource deployments based on the risk assessment models promulgated by the Center for Public Safety Excellence, Inc., or a successor entity. The consolidated fire department must:

- (1) update the strategic plan at least once every three (3) years; and
- (2) annually report to the legislative body of the consolidated city concerning the implementation of the strategic plan.

SECTION 2. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is ~~established~~ **consolidated** under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency ambulance services **by contract or** under an interlocal agreement under IC 36-1-7.

SECTION 3. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.4. (a) **On July 1, 2009, the executive of the consolidated city shall establish a fire transition authority board, which must consist of:**

- (1) the township board president or the president's designee; and
- (2) the township trustee or the trustee's designee;

of those remaining township fire departments that have not consolidated into the consolidated fire department before September 1, 2009.

(b) The fire transition authority board shall exist to provide guidance to the director of the department of public safety regarding the integration of township fire services into the consolidated fire department.

(c) On July 1, 2009, the director of the department of public safety shall:

- (1) establish a timeline for each township to be fully integrated into the consolidated fire department; and

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(2) manage the transition of the functions, duties, and responsibilities of the township trustee and township board with respect to providing fire protection and related services that are transferred to the county on January 1, 2010.

(d) The fire transition authority board shall remain fully constituted and in effect until the earlier of:

- (1) the complete integration of the township fire services that are consolidated under this chapter;
- (2) a vote of the majority of the fire transition authority board to dissolve; or
- (3) the date the fire transition authority board is dissolved by ordinance of the county legislative body.

(e) The fire transition authority board's oversight of a township's fire service shall continue until the director of public safety notifies the board that the township's fire department is fully integrated into the consolidated fire department.

(f) The balance at the time a township's fire department is integrated into the consolidated fire department on January 1, 2010, in a debt service fund of a township that relates to the debt incurred for firefighting purposes:

- (1) is transferred to the consolidated city; and
- (2) shall be used by the consolidated city to pay indebtedness or lease rentals for which the fund was established.

(g) Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the general fund of the consolidated city.

(h) The balance on January 1, 2010, in a township's firefighting fund:

- (1) is transferred to the consolidated city; and
- (2) shall be deposited in the general fund of the consolidated city.

(i) After the consolidation of a township fire department into the consolidated fire department on January 1, 2010, the assets, equipment, and employees of the township fire department that are transferred to the consolidated city may be used to provide fire protection services only in the township until the fire transition authority board for the township determines that the township fire services have been completely integrated into the consolidated fire department.

SECTION 4. IC 36-3-1-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.5. (a) The executive of the consolidated city shall

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establish a professional standards board with responsibility after December 31, 2009, for establishing, validating, and maintaining emergency responder certification and credentialing requirements and procedures. The emergency responder certification and credentialing requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards.

(b) The professional standards board shall before January 1, 2010, establish the following for each emergency responder position within the consolidated fire department:

- (1) Minimum initial certification and credentialing requirements.
- (2) Experience and competency requirements.
- (3) Continuing education requirements.
- (4) Performance criteria.
- (5) Recertification requirements.

(c) After December 31, 2009, a subcommittee of the professional standards board, under the direction of a board certified emergency physician, is responsible for certification and credentialing of emergency medical responders.

SECTION 5. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1 in the name of:

- (1) a township;
- (2) a fire protection territory; or
- (3) a building, holding, or leasing corporation on behalf of a township or a fire protection territory;

to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and IC 36-3-1-6.1(g).

SECTION 6. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 1.2. Township Fire Consolidation Option

Sec. 1. (a) Notwithstanding IC 36-3-1-6.1, a township board may opt out of consolidation into the consolidated fire department if at least five (5) of the seven (7) members of the township board vote in favor of opting out of consolidation.

(b) Written notice that the vote will take place shall be filed with the clerk of the city-county legislative body not later than ten (10)

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days before the vote is to occur. The clerk shall provide a copy of the notice to the corporation counsel of the consolidated city.

(c) The vote by the township board to opt out of consolidation into the consolidated fire department must:

- (1) be held in accordance with the open door law (IC 5-14-1.5); and
- (2) occur before September 1, 2009.

Sec. 2. (a) This section applies to townships whose township boards opt out of consolidation under section 1 of this chapter and are not consolidated into the fire department.

(b) After August 31, 2009, the annual budget of the township is subject to the review and approval of the city-county legislative body.

(c) After August 31, 2009, the township fire department is subject to the review of the professional standards board established by IC 36-3-1-6.5, and the township fire chief shall provide any data requested by the professional standards board.

Sec. 3. (a) This section applies to a township whose township board opts out of consolidation under section 1 of this chapter and is not consolidated into the consolidated fire department.

(b) The professional standards board established by IC 36-3-1-6.5 shall regularly review the performance of each township fire department to ensure that its performance meets the standards set forth in the National Fire Protection Association consensus standards, which:

- (1) address the reporting and accountability of substantially career fire departments;
- (2) specify performance measures for safety, health training, personnel qualifications/competencies, incident management, emergency apparatus, personal protective equipment; and
- (3) define objectives applicable to response times for services.

(c) If the professional standards board determines, by a majority vote, that a township does not meet the standards set forth in the National Fire Protection Association consensus standards, the board shall notify the clerk of the city-county legislative body. Upon receiving the notice, the clerk shall prepare an ordinance proposal for the city-county legislative body. The ordinance proposal shall make a determination to override the township's decision to opt out of consolidation into the consolidated fire department on the basis that the township fire department does not meet the required public safety standards.

(d) If the ordinance described in subsection (c) is approved by

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a two-thirds (2/3) affirmative vote of the city-county legislative body, the ordinance shall be submitted to the mayor for approval. Upon approval by the mayor of the consolidated city, the township fire department shall be consolidated into the consolidated fire department on the date specified in the ordinance. The mayor of the consolidated city shall, by executive order, set forth a process to integrate the township fire department into the consolidated fire department.

Sec. 4. (a) This section applies to a township whose township board opted out of consolidation under section 1 of this chapter and is not consolidated into the consolidated fire department.

(b) A township board may, by a majority vote and with the subsequent approval of the city-county legislative body and the mayor, override its decision to opt out of consolidation under section 1 of this chapter. A vote by the township board under this section may not be rescinded.

SECTION 7. IC 36-6-4-3, AS AMENDED BY P.L.2-2008, SECTION 82, AND AS AMENDED BY P.L.146-2008, SECTION 709, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- ~~(9) Act as township assessor when required by IC 36-6-5.~~
- ~~(10) (9) Provide and maintain cemeteries under IC 23-14.~~
- ~~(11) (10) Provide fire protection under IC 36-8, except in a township: that:~~
 - (A) ~~that~~ is located in a county having a consolidated city; and
 - (B) ~~whose fire department is consolidated the township's fire department~~ under IC 36-3-1-6.1.
- ~~(12) (11) File an annual personnel report under IC 5-11-13.~~
- ~~(13) (12) Provide and maintain township parks and community centers under IC 36-10.~~
- ~~(14) (13) Destroy detrimental plants, noxious weeds, and rank~~

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vegetation under ~~IC 15-3-4~~ IC 15-16-8.

~~(15)~~ (14) Provide insulin to the poor under IC 12-20-16.

~~(16)~~ (15) Perform other duties prescribed by statute.

SECTION 8. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) **Except in a township that is located in a county having a consolidated city and whose fire department has been consolidated under IC 36-3-1-6.1**, the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) **Except in a township that is located in a county having a consolidated city and whose fire department has been consolidated under IC 36-3-1-6.1**, the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 9. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3)**, for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) **For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1:**

(A) **before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**

(B) **on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.**

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

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~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

SECTION 10. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service

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without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

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(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
 - (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
 - (3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
 - (4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;
- shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

- (1) a fire chief under a waiver under IC 36-8-4-6(c); or
 - (2) a police chief under a waiver under IC 36-8-4-6.5(c);
- unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

- (1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
 - (2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
 - (3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);
- is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

- (1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

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(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the **consolidated** law enforcement department or fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1**; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

~~(1)~~ (A) retired for purposes of section 10 of this chapter; or

~~(2)~~ (B) disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation; **and**

(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l)."

Delete pages 2 through 65.

Page 66, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 482 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 5.

SB 482—LS 7390/DI 87+



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